

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:23-00196

DENISE R. ALLEN

MEMORANDUM OPINION AND ORDER


Pending before the court is the government's motion to schedule a guilty plea hearing. For good cause shown, that motion is **GRANTED** and a plea hearing is hereby **SCHEDULED** for March 4, 2024, at 10:30 a.m., in Bluefield. Trial of this matter is currently scheduled for tomorrow, February 27, 2024. Because of the scheduled plea hearing, the court hereby **CONTINUES** the trial until March 12, 2024, at 9:30 a.m., in Bluefield. See § 3161(h)(1)(G) (excluding "delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government"). Furthermore, failure to continue the trial until after the scheduled plea hearing would likely result in a miscarriage of justice and, therefore, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A). In continuing the trial, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to continue the trial would deny counsel the reasonable time necessary for effective preparation, taking into

account the exercise of due diligence. To schedule the trial on the same date as the plea hearing would require counsel to be prepared to go to trial if the plea hearing did not go forward as scheduled.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 26th day of February, 2024.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge